

THE ONTARIO HUMAN RIGHTS CODE, 1961-62

IN THE MATTER OF a complaint by Mr. Edmund Mallett that because of his race and colour he was denied occupancy of living accommodations in the building known as Top O' The Ridge and located at 1827 Victoria Park Avenue, Scarborough and owned by Mr. Alexander Lysy of Alexander Lysy Real Estate, Willowdale, Ontario.

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R E P O R T  
OF  
BOARD OF INQUIRY

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THE ONTARIO HUMAN RIGHTS CODE, 1961-62

IN THE MATTER OF a complaint by Mr. Edmund Mallett that because of his race and colour he was denied occupancy of living accommodations in the building known as Top O' The Ridge and located at 1827 Victoria Park Avenue, Scarborough and owned by Mr. Alexander Lysy of Alexander Lysy Real Estate, Willowdale, Ontario.

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Board of Inquiry

- His Honour, Judge L. A. Deziel.  
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Appearance:

E. Marshall Pollock,

Counsel for The Ontario Human  
Rights Commission.  
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To The Ontario Human Rights Commission and to The Honourable Dalton Bales, Minister of Labour of the Province of Ontario.

Gentlemen:

Pursuant to my appointment by the Minister of Labour on the 17th day of May, 1967, as a Board of Inquiry under The Ontario Human Rights Code to inquire into the above-mentioned complaint, I arranged for a hearing to be held on Tuesday, the 27th day of June, 1967, in Committee Room No. 1 in the Parliament Buildings at Queens Park in the City of Toronto.

After opening the hearing I deemed it advisable to advise Mr. Lysy of the nature of the hearing, particularly so in view of the fact that he was not represented by counsel, and I recessed the hearing and retired to Committee Room No. 2 where I interviewed Mr. Lysy in the presence of counsel for the Commission and Dr. Daniel Hill.

After I had explained the nature of the intended hearing to Mr. Lysy he indicated that he had never intended to discriminate against any person, and in particular he did not intend to discriminate against the complainant and he indicated that he was willing to undertake in writing not to discriminate against any



person in the future or to give the appearance of discrimination.

I suggested to Dr. Hill and to counsel for the Commission that they might prepare a statement in a form satisfactory to the Commission to be signed by Mr. Lysy and continued the recess to permit such a document to be engrossed.

When the statement was completed I read it to Lysy and let him read and study a copy of the prepared statement. He indicated a reluctance to sign the statement and I thereupon proposed that we commence the formal hearing to take evidence. At that point Lysy agreed to execute the document which had been prepared and he did so. A copy of the document signed by Lysy and by counsel for the Commission is attached to this report.

When the hearing reconvened I advised those in attendance of what had transpired and stated that the matter had been settled to the satisfaction of the Commission and the complainant and the matter would be dealt with as having been disposed of by settlement.

All of which is respectfully submitted.

(signed) L. A. Deziel

BOARD OF INQUIRY

DATED at Windsor, Ontario, this 4th day of July, 1967.



In

IN THE MATTER OF the Ontario Human Rights Code, 1961-62 (Ont.) c 93

AND IN THE MATTER OF a complaint made by Edmund Mallett on April 13, 1967 that he was denied accommodation on the basis of his race and colour at an apartment building known as Top O' The Ridge and having a municipal address of 1827 Victoria Park Avenue, Scarborough.

AND IN THE MATTER OF a Board of Inquiry set up under the Ontario Human Rights Code.

Alexander Lysy carrying on business as Alexander Lysy Real Estate hereby affirms and declares that he subscribes and supports the Provisions of the Ontario Human Rights Code and states as follows:

1. I hereby agree to forward a suitably phrased letter of apology to the complainant herein, expressing regret for any embarrassment or inconvenience that may have been caused him by this incident and containing an offer of the next available accommodation suitable to his needs.
2. I further agree to forward to the Chairman of the Ontario Human Rights Commission a letter advising of my compliance with the Ontario Human Rights Code, together with a list of all owners, superintendents and rental personnel of all buildings for which I act in the capacity of rental agent.
3. I further agree to forward to all those persons mentioned in the paragraph next preceding, a suitably phrased letter advising of my non-discriminatory rental policy and indicating to those individuals acting as superintendents or rental personnel that any breach of this policy will be treated as grounds for dismissal.
4. I further agree to cause to be posted in a conspicuous place in my offices and all buildings for which I act in the capacity





of rental agent the Ontario Human Rights Code cards provided to me.

5. I further agree to forward a suitably phrased letter of my non-discriminatory policy to those community organizations interested in this case, a list of which will be provided to me by the Commission.

6. I further agree that the Ontario Human Rights Commission shall be at liberty to make such follow up investigations as it deems advisable, and I agree to offer every assistance to it in these efforts.

It is further agreed that this memorandum of agreement shall be treated in the same manner as a Ministerial Order made under the Ontario Human Rights Code 1961-62.

DATED at Toronto, this 27th day of June, A.D. 1967.

ALEXANDER LYSY REAL ESTATE

per:

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Alexander Lysy

ONTARIO HUMAN RIGHTS COMMISSION

By its Counsel:

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E. Marshall Pollock

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